



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JMM:SK
F. #2013R00948

*610 Federal Plaza
Central Islip, New York 11722*

September 12, 2014

By FedEx & ECF

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Re: United States v. Philip Kenner & Tommy C. Constantine
Criminal Docket No. 13-607 (JFB)

Dear Counsel:

Enclosed please find discovery provided by the government in accordance with Rule 16 of the Federal Rules of Criminal Procedure. This discovery supplements the discovery provided on January 16, 2014, January 23, 2014, February 10, 2014, March 6, 2014, March 11, 2014, March 24, 2014, April 11, 2014, May 21, 2014, June 6, 2014, August 6, 2014, August 15, 2014, August 20, 2014, August 22, 2014, August 27, 2014, August 28, 2014, August 29, 2014, September 2, 2014 and September 11, 2014. The material below also includes early disclosure of material governed by 18 U.S.C. § 3500. The government renews its request for reciprocal discovery.

Enclosed please find the following:

- Litigation documents containing defendants' statements (bates-numbered LIT 55-87);
- Transcripts of depositions and proceedings in Murray v. Jowdy, including Kenner's deposition and trial testimony (bates-numbered MJ DISK 1);

- Transcripts of depositions in Nolan v. Kenner, including Kenner's deposition and related exhibits (bates-numbered BN DISK 5-6);
- Recordings with Kenner (bates-numbered KREC 11-13);
- Documents and emails containing defendants' statements (bates-numbered DS 80-850 and EMAIL 54-380);
- Business records, bank records, and communications obtained from individual(s) (bates-numbered ED 1-2616);
- Records obtained from Kenner's accountant (bates-numbered ACCT 1-937);
- Records pertaining to Constantine's bankruptcy (bates-numbered CBKR 539-820);
- Records from American Express (bates-numbered BNK-AMEX 2227-2633);
- Records from the Bank of New York Mellon (bates-numbered BNK-BNY 1-199);
- Records from Bank of America (bates-numbered BNK-BOA 3732-5370);
- Records from TD Bank (bates-numbered BNK-TD 1410-2692);
- Records from Wachovia (bates-numbered BNK-WACH 1-412);
- Records pertaining to Diamante (bates-numbered DIAMANTE 2243-2659);
- Records pertaining to Palms Place (bates-numbered LV 1471-1622);
- Records pertaining to AZ Avalon Partners (bates-numbered AZAV 1-257)
- Records pertaining to Windwalker Real Estate (bates-numbered WW 1139-2384);
- Records from Semple, Marchal & Cooper (bates-numbered SMC 1-45);
- Records from HL Group (bates-numbered HL 1-39);
- Records from Scottsdale Lotus (bates-numbered LOTUS 1-4);
- Records from the Scottsdale Police Department (bates-numbered SCOTTPD 1-281);
- Identification documents (bates-numbered ID 1-3);
- Images of Diamante (bates-numbered IMG-DCABO 1);
- Images of Los Frailes (bates-numbered IMG-LF 1);
- Images and writings related to the defendants (bates-numbered IMG-DEFT 1-47); and
- A record from CenturyLink (bates-numbered CLINK 1).

The following documents are being provided only to Kenner:

- Kenner's criminal history (bates-numbered CRIMHIST 1-9); and
- Records from the IRS for Kenner, GDM, and Standard Advisors (bates-numbered IRS 171-387 and 458-478).

The following documents are being provided only to Constantine:

- Constantine's criminal history (bates-numbered CRIMHIST 10-27); and
- Records from the IRS for Constantine and Eufora (bates-numbered IRS 1-170 and 388-457).

The government will continue to provide discovery. Please contact me or AUSA James Miskiewicz if you have any questions or requests.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/Saritha Komatireddy
Saritha Komatireddy
James M. Miskiewicz
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Enclosures

cc: Clerk of the Court (JFB) (by ECF) (without enclosures)